

**IN THE MATTER OF** a Hearing of a panel of the Discipline Committee of the Royal College of Dental Surgeons of Ontario held pursuant to the provisions of the Health Professions Procedural Code which is Schedule 2 to the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 (“Code”) respecting one **DR. HISHAM FAROUK KALOTI**, of the City of Norwood, in the Province of Ontario;

**AND IN THE MATTER OF** the *Dentistry Act* and Ontario Regulation 853, Regulations of Ontario, 1993, as amended (“Dentistry Act Regulation”).

**AND IN THE MATTER OF** the *Statutory Powers Procedure Act*, Revised Statutes of Ontario, 1990, Chapter S.22, as amended; 1993.

**TO: Dr. Hisham Farouk Kaloti**  
**4243 Hwy 7 Box #8**  
**Norwood, ON K0L 2V0**

## **NOTICE OF HEARING**

### **TAKE NOTICE THAT IT IS ALLEGED THAT:**

1. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, during the year 2022, you contravened a standard of practice or failed to maintain the standards of practice of the profession in relation to the patient, Patient C, contrary to paragraph 1 of Section 2 of Ontario Regulation 853/93 under the *Dentistry Act, 1991*, as amended (“*Professional Misconduct Regulation*”).

#### Particulars:

- You used a crown manufactured by a dental laboratory (Foo Tian Dental Lab) that was not licensed to sell medical devices in Canada.
- You permanently cemented the crown on tooth 36 with an open contact on the mesial on March 10, 2022.

2. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, during the year 2022, you treated a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic or other health-related purpose in a situation in which a consent is required by law, without such a consent, in relation to the patient, Patient C, contrary to paragraph 7 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You did not tell Patient C that for the #36 crown you would use a dental laboratory (Foo Tian Dental Lab) that was not licensed to sell medical devices in Canada.
3. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, during the year 2022, you misrepresented a remedy, treatment, device or procedure to the patient, Patient C, contrary to paragraph 12 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You did not tell Patient C that for the #36 crown you would use a dental laboratory (Foo Tian Dental Lab) that was not licensed to sell medical devices in Canada.
4. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, during the year(s) 2020, 2021, and/or 2022, you failed to keep records as required by the regulations in relation to the patient, Patient C, contrary to paragraph 25 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You did not document a diagnosis, treatment plan and work-up with respect to the #36 crown.
  - Your progress notes were inadequate.
  - You did not maintain documentation about the orthodontic treatment you ordered for Patient C.
5. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, during the year 2022, you engaged in conduct or performed an act that, having regard to all the circumstances, would reasonably be regarded by

members as disgraceful, dishonourable, unprofessional or unethical in relation to the patient, Patient C, contrary to paragraph 59 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You used a crown manufactured by a dental laboratory (Foo Tian Dental Lab) that was not licensed to sell medical devices in Canada.
- You did not tell Patient C that you were using medical devices manufactured by an unlicensed laboratory in their dental treatment.

Such further and other particulars will be provided from time to time, as they become known.

**AND TAKE NOTICE THAT** the said allegations respecting professional misconduct will be heard and determined by a panel of the Discipline Committee of the Royal College of Dental Surgeons of Ontario ("panel") on a date and time to be agreed upon by the parties, or on a date to be fixed by the Chair of the Discipline Committee, at the offices of the Royal College of Dental Surgeons of Ontario, 6 Crescent Road, Toronto, Ontario, M4W 1T1, or by electronic hearing as required. You are required to appear in person or by a legal representative before the panel with your witnesses, if any, at the time and place aforesaid.

ONCE A DATE IS FIXED, IF YOU DO NOT ATTEND ON THE FIXED HEARING DATE, THE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE OF THE PROCEEDINGS.

The *Code* provides that if a panel finds that you have committed an act of professional misconduct, it may make an order doing any one or more of the following:

- (1) directing the Registrar to revoke your certificate of registration;
- (2) directing the Registrar to suspend your certificate of registration for a specified period of time;
- (3) directing the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time;
- (4) requiring you to appear before the panel to be reprimanded;
- (5) requiring you to pay a fine of not more than \$35,000.00 to the Minister of Finance;

or any combination thereof.

Furthermore, the *Code* provides that if a panel is of the opinion that the commencement of these proceedings is unwarranted, it may make an order requiring the College to pay all or part of your legal costs.

The *Code* also provides that in an appropriate case, a panel may make an order requiring you, in the event the panel finds you have committed an act or acts of professional misconduct or finds you to be incompetent, to pay all or part of the following costs and expenses:

1. the College's legal costs and expenses;
2. the College's costs and expenses incurred in investigating the matter; and
3. the College's costs and expenses incurred in conducting the hearing.

If you have not done so already, you are entitled to and are well advised to retain legal representation to assist you in this matter.

You are entitled to disclosure of the evidence in this matter in accordance with section 42(1) of the *Code*. You or your representative may contact the prosecutor for the College, [REDACTED], in this matter at:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

You, or your legal representative, should familiarize yourself with your disclosure obligations under law, including section 42.1 of the *Code*.

DATED at Toronto, this 22<sup>nd</sup> day of August, 2024.



Royal College of Dental Surgeons of Ontario

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### **ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO**

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